



UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

MAR 10 2004

PERSONNEL AND
READINESS

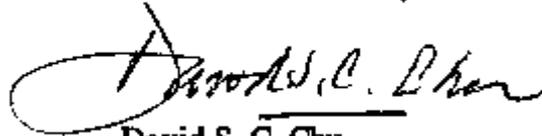
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Military Protective Orders (MPOs)

This directive-type memorandum establishes Department of Defense policy and assigns responsibility for the issuance of MPOs barring active duty military members from having contact with specified individuals against whom they are alleged, or are confirmed, to have committed an act of domestic violence or child abuse, as defined in Attachment 1.

It is Department of Defense policy that every appropriate effort be made to protect victims of abuse from further harm. Commanding officers shall issue MPOs when necessary to safeguard victims, quell disturbances, and maintain good order and discipline while victims have time to pursue protection orders through the civilian courts, or support existing civilian orders of protection. DD Form 2873 (Attachment 2) shall be used to issue MPOs. Commanding officers shall provide copies of signed MPOs in accordance with the distribution list set forth at the end of DD Form 2873.

This memorandum is effective immediately. A Department of Defense publication implementing this policy shall be issued within 180 days.



David S. C. Chu

Attachments:
As stated

ATTACHMENT 1

DEFINITIONS

DOMESTIC VIOLENCE. An offense under the United States Code, the Uniform Code of Military Justice, or state law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or a violation of a lawful order issued for the protection of a person of the opposite sex, who is (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

CHILD ABUSE. The physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child. It does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.

<p>6. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that <i>(initial applicable portions)</i>:</p>	
	<p>a. The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.</p>
	<p>b. The above-named service member shall remain at all times and places at least _____ feet away from the above-named protected person and members of the protected person's family or household including, but not limited to, residences and workplaces. Members of the protected person's family or household include:</p>
	<p>c. The above-named service member will vacate the military residence shared by the parties located at:</p>
	<p>d. Until further notified, the above-named service member will be provided temporary military quarters at:</p>
	<p>e. The above-named service member will attend the following counseling:</p>
	<p>f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.</p>
	<p>g. The above-named service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.</p>
	<p>h. Exceptions to this order will be granted only after an advance request is made to me and approved by me.</p>
	<p>i. Other specific provisions of this order:</p>
<p>6. DURATION: The terms of this order shall be effective until _____, unless sooner rescinded, modified, or extended in writing by me. ENFORCEABILITY: Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.</p>	
<p>a. COMMANDING OFFICER'S SIGNATURE</p>	<p>b. DATE (YYYYMMDD)</p>
<p>7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.</p>	
<p>a. SERVICE MEMBER'S SIGNATURE</p>	<p>b. DATE (YYYYMMDD)</p>
<p>DISTRIBUTION: Service member's immediate command Protected person (Custodial parent of protected child) Service member Provost Marshal/Security Officer/Criminal Investigative Organization</p>	